

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ASHTON WHITAKER, a minor, by his
mother and next friend,
MELISSA WHITAKER,

Plaintiff,

Civ. Action No. 2:16-cv-00943

KENOSHA UNIFIED SCHOOL DISTRICT
NO. 1 BOARD OF EDUCATION and SUE
SAVAGLIO-JARVIS, in her official capacity as
Superintendent of the Kenosha Unified School District
No. 1,

Defendants.

**DEFENDANTS' RULE 12 (b)(6) MOTION TO
DISMISS THE AMENDED COMPLAINT**

Now come the Defendants, Kenosha Unified School District No. 1 Board of Education and Dr. Sue Savaglio-Jarvis, in her official capacity as superintendent of the Kenosha Unified School District No. 1, by and through their attorneys, Mallery & Zimmerman SC, and hereby move the Court pursuant to Rule 12 (b)(6) of the Federal Rules of Civil Procedure for an order dismissing Plaintiff's Amended Complaint for failure to state a claim upon which relief can be granted. This motion is based upon the Defendants' Brief in Support and all other pleadings on file.

Dated this 16th day of August, 2016.

MALLERY & ZIMMERMAN, S.C.
Attorneys for Defendants

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